

April 26, 2016

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VIA CERTIFIED MAIL

Eric Schaaf, Esquire
Regional Counsel
U.S. EPA
Region II
290 Broadway
New York, NY 10007-1866

Re: Lower Passaic River

Dear Mr. Schaaf:

Stanley Black & Decker, Inc. ("Stanley") received EPA's March 31, 2016 Notice of Potential Liability ("Notice Letter") under CERCLA for the cleanup of the lower 8.3 miles of the Lower Passaic River Superfund site. In the Notice Letter, EPA stated that it believes some identified PRPs may be eligible for a cash out settlement with EPA and that EPA intends to provide separate notice of the opportunity to discuss a cash out settlement at a later date.

With a full reservation of its rights and defenses under CERCLA, Stanley requests that it be afforded the opportunity for a cash out settlement at the appropriate time. Stanley will be prepared to demonstrate to EPA that it should qualify for de minimis or de micromis status based on the quantity and type of substances that could have been discharged from Stanley's former facility in Newark, New Jersey. Stanley will be prepared to demonstrate that any discharges from its facility are not driving the risk to human health and the environmental identified in the ROD for the cleanup of the lower 8.3 miles of the river and did not contribute to the primary contaminants of concern driving the cost of the selected remedy.

Please let me know if you would like any additional information from Stanley as you develop the de minimis settlement process.

Sincerely yours,



Andrew L. Kolesar

cc: Theodore C. Morris, Esq., Stanley Black & Decker, Inc.

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